

1 ERIC S. SMITH, Bar No. F 0157  
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3 Saipan MP 96950  
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FILED  
Clerk  
District Court

JAN 26 2006

5 Attorneys for Plaintiff

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE**  
**NORTHERN MARIANA ISLANDS**

10 ANGELO M. LABORCE,

Civil Action No. 05-0036

11 Plaintiff,

**DECLARATION OF**  
**ERIC S. SMITH**  
**IN SUPPORT OF**  
**MOTION FOR ENTRY OF**  
**DEFAULT**  
**(DANIEL MUNA QUITUGUA)**

12 v.

13 S-WON INC., P&S, INC., YOUNG  
14 KYUN KIM, JOHN GERALD  
15 PANGELINAN, DANIEL MUNA  
16 QUITUGUA, DARREL MUNA  
QUITUGUA and JOE CRISOSTOMO,

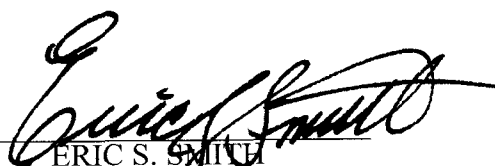
**Date: N/A**  
**Time: N/A**  
**Judge: Alex Munson**

17 Defendants.

18  
19 I, ERIC S. SMITH, declare that if called as a witness, I would competently testify  
20 to the following:

- 21 1. That I am one of the attorneys for Plaintiff in the above entitled action.
- 22 2. That on November 8, 2005, Plaintiff filed the Complaint in this case.
- 23 3. That on November 9, 2005, Defendant Daniel Muna Quitugua was served  
24 with the Summons and Complaint by U.S. mail, postage prepaid, return receipt requested  
25 and addressed to: the Federal Detention Center, Atwater USP, PO Box 019001, Atwater,  
26 CA, 95301. A copy of the Declaration of Service is attached hereto as Exhibit "A".
- 27 4. That the time for Defendant Daniel Muna Quitugua to plead or file an  
28 answer to Plaintiff's complaint expired on November 29, 2005.

1 I declare under penalty of perjury that the foregoing is true and correct and  
2 that this Declaration was executed on January 25, 2006, at Garapan,  
3 Saipan, Commonwealth of the Northern Mariana Islands.

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6 ERIC S. SMITH  
7 Declarant  
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# United States District Court

DISTRICT OF

ANGELO M. LABORCE

**SUMMONS IN A CIVIL CASE**

V.

CASE NUMBER: **CV 05 - 0036**

S WON, INC., P&S, INC., YOUNG  
KYUN KIM, JOHN GERALD PANGELINAN,  
DANIEL MUNA QUITUGUA, DARREL MUNA  
QUITUGUA and JOE CRISOSTOMO

**COPY of  
Original Filed  
on this date**

TO: (Name and address of defendant)

DANIEL MUNA QUITUGUA  
Saipan MP 96950

**Clerk  
District Court  
For The Northern Mariana Islands**

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

SMITH & WILLIAMS  
PO BOX 5133 CHRB  
Saipan MP 96950

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**GALO L. PEREZ**

CLERK

NOV - 8 2005

DATE

(BY) DEPUTY CLERK

EXHIBIT "A"

# RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>

DATE

NOVEMBER 9, 2005

NAME OF SERVER (PRINT)

MARIA GRACIA N. BOONCAUING

TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☒ Other (specify): SENT THE DOCUMENTS BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED TO DEFENDANT AT HIS ADDRESS IN FEDERAL DETENTION CENTER, ATLWATER USP, PO BOX 019001, ATLWATER CA 95201 (SEE ATTACHED)

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

NOV. 9, 2005

Date


Signature of Server

PO BOX 51233 CHRB JAPAN

Address of Server



**CERTIFIED MAIL**



7000 1670 0001 2880 7139  
7000 1670 0001 2880 7139

**U.S. Postal Service  
CERTIFIED MAIL**  
(Domestic Mail Only; No In-  
formation)

**OFFICIAL**

Postage \$  
Certified Fee \$  
Return Receipt Fee (Endorsement Required) \$  
Restricted Delivery Fee (Endorsement Required) \$  
Total Postage & Fees \$

Sent To **DANIEL MUNA**  
Street, Apt. No. or P.O. Box No. **PO BOX 01900**  
City, State ZIP+4 **Atwater CA**  
PS Form 3800, May 2000

**SMITH & WILLIAMS**  
ATTORNEYS-AT-LAW  
P.O. BOX 5133 CHRB  
SAIPAN, MP 96950

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**TO** Daniel Muna Quitugua  
Inmate No. 00459-005  
Federal Detention Center  
Atwater USP  
PO Box 019001  
Atwater CA 95301

Legal Mail, Open In the Presence of  
Inmate Only

**Is your RETURN ADDRESS completed on the reverse side?**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: <b>DANIEL MUNA QUITUGUA</b> <b>Inmate No. 00459-005</b> <b>Federal Detention Center</b> <b>Atwater USP</b> <b>PO Box 019001</b> <b>Atwater CA 95301</b>	4a. Article Number <b>7000 1670 0001 2880 7139</b>
5. Received By: (Print Name) <b>D. Muna</b>	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
6. Signature: (Addressee or Agent) <b>X [Signature]</b>	7. Date of Delivery <b>11-16-05</b>
	8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt